

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BASF CORPORATION, )  
                        )  
                        )  
Plaintiff,         )  
                        )  
                        )  
v.                     ) 1:06CV00229  
                        )  
                        )  
SYNGENTA CROP PROTECTION, INC.; )  
and SYNGENTA PARTICIPATIONS AG, )  
                        )  
                        )  
Defendants.         )

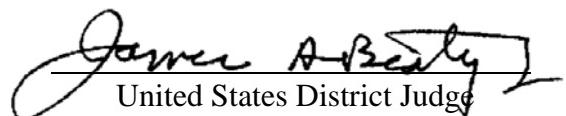
ORDER

Beaty, District Judge.

This matter is before the Court on a Motion for Temporary Restraining Order and Preliminary Injunction [Document #5] filed by Plaintiff BASF Corporation (“Plaintiff”). In its Motion, Plaintiff asks the Court to restrain Defendants Syngenta Crop Protection, Inc. and Syngenta Participations AG (“Defendants”) from promoting or selling a fungicide product under the name and mark HEADWAY, which Plaintiff contends is confusingly similar to and infringes on Plaintiff’s federally registered trademark for its fungicide product HEADLINE. The Court has reviewed the briefs and evidence submitted by Plaintiff, and concludes that a hearing is warranted in this matter. However, given the facts and circumstances presented by Plaintiff, the Court concludes that Plaintiff has not shown a likelihood of immediate and irreparable harm that would occur prior to the hearing on this motion. See Fed. R. Civ. P. 65(b). IT IS THEREFORE ORDERED that Plaintiff’s Motion for a Temporary Restraining Order [Document #5] is

DENIED. IT IS FURTHER ORDERED that Plaintiff's Motion for a Preliminary Injunction [Document #5] is scheduled for a hearing before this Court on Thursday, March 23, 2006 at 9:30 a.m. in Winston-Salem Courtroom Number 1.

This, the 16<sup>th</sup> day of March, 2006.



James A. Beasley, Jr.  
United States District Judge